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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,439	12/29/2003	Bennett Cookson JR.	019404-001500	2381
20350	7590	07/26/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				CABUCOS, MARIE G
ART UNIT		PAPER NUMBER		
		2163		

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/748,439	COOKSON ET AL.
	Examiner	Art Unit
	Marie Antoinette Cabucos	2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 December 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/15/04 and 8/1/05.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 7-4, 15-17 and 21-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Kent W. Huff (US Patent no. 6,760,731).

Regarding claims 1 and 15, Huff discloses a system and method for consolidating genealogy records, comprising a processor programmed to partition the records using at least one index file to form one or more partitions; sort the records in a partition based on a data element in the records; compare records within a sort range; based on the comparison, identify same person records; consolidate information in the same person records (col. 6, lines 34-56); receive a request from a user to view at least

a portion of the consolidated information for a particular group of same person records; and send a file comprising the portion to the user (col. 25, lines 30-35).

3. Regarding claims 2 and 16, Huff discloses a system and method according to claims 1 and 15, wherein the processor, in being programmed to partition the records using at least one index file is further programmed to use a surname index to identify records having the same surnames and grouping those records into a surname partition (col. 15, lines 63-65).

4. Regarding claims 3 and 17, Huff discloses a system and method according to claims 2 and 16, the processor is further programmed to use the surname index to identify records having similar surnames and group those records into the surname partition (col. 6, lines 34-36).

5. Regarding claims 7-9 and 21-23, Huff discloses a system and method according to claims 1 and 15, wherein the processor, in being programmed to sort the records in a partition based on a data element in the records is further programmed to sort the records based on birth date, also to sort the records based on a selection from the group consisting of name, death date, death place, and birth place (col. 6, lines 53-56); and wherein the processor, in being programmed to compare records within a sort window is further programmed to compare records within a birth date range (figure 4).

6. Regarding claims 10-13 and 24-27, Huff discloses a system and method according to claims 1 and 15, wherein the processor, in being programmed to identify same person records is further programmed to calculate a score that represents the

likelihood that a pair of compared records represent the same person; the processor is further programmed to compare records related to pairs of same person records; wherein the processor, in being programmed to compare records related to pairs of same person records is further programmed to revise the score based on the comparison of related records; and wherein the processor, in being programmed to identify same person records is further programmed to compare the score to a predetermined threshold and reject records as "same person" records if the score is below the threshold (col. 15, lines 63-67 and col. 16, lines 1-14).

7. Regarding claims 14 and 28, Huff discloses in figure 5 a system and method according to claims 1 and 15, wherein the portion comprises a family tree based on consolidated information from a plurality of records (col. 26, lines 29-33).

#### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4-6, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huff in view of Kane et al (US Patent no. 6,389,429).

Huff discloses all the claim elements as disclosed previously except for the processor further programmed to use a phonetic algorithm to identify records having similar surnames. Kane discloses an encoded field indexing form in which fields are

phonetically encoded using the Soundex Algorithm that captures a representation of a word (col. 5, lines 66-67 and col. 6, lines 1-3). It would have been obvious by one having ordinary skill in the art, at the time of the invention, to further program processor of Huff with the algorithm disclosed in Kane so as to normalize away spelling and typographical errors. Col. 6, lines 4-6).

***Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art of record to Millet et al (US Patent no. 4,8817,036) discloses a computer system and method for database indexing and information retrieval.

Prior art of record to Michael Smolsky (US Patent no. 6,947,933) discloses identifying similarities within large collections of unstructured data.

Prior art of record to Elliott et al (US Publication no. 2002/0156779) discloses an internet search engine.

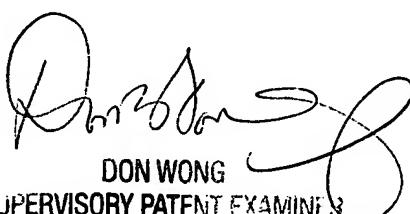
***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie Antoinette Cabucos whose telephone number is 571-272-8582. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marie Antoinette Cabucos  
Examiner  
Art Unit 2163



DON WONG  
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